

**REMARKS**

In the Office Action, claims 1-34 were rejected. The pending claims are believed patentable over the prior art of record for the reasons set forth below. Reconsideration and allowance of all pending claims are requested.

Claims 1-34 were rejected under 35 U.S.C. 103 as unpatentable over DiRienzo and Howards Koritzinsky et al. Applicant observes, however, that the Howards Koritzinsky et al. patent and the claimed invention were and are under an obligation of assignment to the same person. Specifically, the patent and the invention are assigned or under an obligation of assignment to General Electric Company or one of its wholly owned and controlled subsidiaries. The claimed invention was under this obligation at the time it was made.

Section 103(c) of the Patent Statute provides that:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Accordingly, the Koritzinsky et al. reference does not qualify for use under Section 103. In view of this provision, Applicants respectfully request withdrawal of the rejection.

New claims 35-37 have been added by this response to cover computer programs that carry out the invention. The wording of these claims is similar to that of claims 1, 12 and 19, respectively. No new matter is added by the addition of claims 35-37. Their consideration and allowance are also requested.

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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